

# HOUSE JOINT RESOLUTION 11

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By: **Delegate Frank**

Introduced and read first time: February 18, 2010

Assigned to: Appropriations

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## HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **General Assembly Compensation Commission – Recommendations – Optional**  
3 **Retirement Program**

4 FOR the purpose of providing that in accordance with the provisions of Article III,  
5 Section 15 of the Maryland Constitution, rejecting certain items included in the  
6 Resolution of the General Assembly Compensation Commission dated January  
7 5, 2010, and transmitted to the General Assembly on January 12, 2010, that  
8 address certain proposed changes to salaries, in–district travel, out–of–state  
9 travel, and the Legislative Pension Plan for members of the General Assembly;  
10 providing that the salaries for the President of the Senate, the Speaker of the  
11 House of Delegates, and members of the General Assembly and provisions  
12 addressing out–of–state travel remain at the levels set by the Resolution dated  
13 January 6, 2006, and transmitted to the General Assembly on January 11,  
14 2006; providing that the allowance for in–district travel remain at the levels set  
15 by the Resolution of the General Assembly Compensation Commission dated  
16 January 11, 2002, and transmitted to the General Assembly on January 11,  
17 2002; providing that provisions of the Legislative Pension Plan addressing  
18 military service credit as provided by the Resolution of the General Assembly  
19 Compensation Commission dated January 5, 2010, and transmitted to the  
20 General Assembly on January 12, 2010, shall be void; providing that the  
21 Resolution of the General Assembly Compensation Commission dated January  
22 5, 2010, and transmitted to the General Assembly on January 12, 2010, be  
23 amended to require that certain members of the Legislative Pension Plan join  
24 the Optional Retirement Program of the State Retirement and Pension System  
25 subject to certain conditions; providing that the Resolution of the General  
26 Assembly Compensation Commission dated January 5, 2010, and transmitted to  
27 the General Assembly on January 12, 2010, be amended to provide that certain  
28 members of the Legislative Pension Plan be required to participate in the  
29 Optional Retirement Program of the State Retirement and Pension System; and  
30 generally relating to the Resolution of the General Assembly Compensation  
31 Commission dated January 5, 2010, and transmitted to the General Assembly  
32 on January 12, 2010.



1 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

2 (a) In accordance with the authority granted under Article III, Section 15 of  
3 the Maryland Constitution, the General Assembly rejects the recommendations for  
4 changes in the salaries for the President of the Senate, the Speaker of the House of  
5 Delegates, and the members of the General Assembly, the allowance for in–district  
6 travel, changes to the provisions addressing out–of–state travel, and for changes in the  
7 retirement benefits available to legislators in the Legislative Pension Plan submitted  
8 in the Resolution of the General Assembly Compensation Commission dated January  
9 5, 2010, and transmitted to the General Assembly on January 12, 2010; and

10 (b) Items 1A, 1B, and 2D of the Resolution of the General Assembly  
11 Compensation Commission dated January 5, 2010, and transmitted to the General  
12 Assembly on January 12, 2010, shall be void and provisions related to the allowance  
13 for salaries for the President of the Senate, the Speaker of the House of Delegates, and  
14 the members of the General Assembly, and out–of–state travel shall be as provided in  
15 the Resolution of the General Assembly Compensation Commission dated January 6,  
16 2006, and transmitted to the General Assembly on January 11, 2006; and

17 (c) Item 2C and Section 12 of Item 3A of the Resolution of the General  
18 Assembly Compensation Commission dated January 5, 2010, and transmitted to the  
19 General Assembly on January 12, 2010, shall be void and provisions related to the  
20 allowance for in–district travel shall be as provided in the Resolution of the General  
21 Assembly Compensation Commission dated January 11, 2002, and transmitted to the  
22 General Assembly on January 11, 2002; and

23 (d) Section 21 of Item 3A of the Resolution of the General Assembly  
24 Compensation Commission dated January 5, 2010, and transmitted to the General  
25 Assembly on January 12, 2010, shall be void; and

26 (e) In accordance with the authority granted under Article III, Section 15 of  
27 the Maryland Constitution, the General Assembly recommends amending Sections 1(j)  
28 and (p), and 7 of Item 3A of the Resolution of the General Assembly Compensation  
29 Commission dated January 5, 2010, and transmitted to the General Assembly on  
30 January 12, 2010, to read as follows:

31 “Item 3A.

32 1. Definitions.

33 (j) Member.

34 (1) “Member” means:

35 (i) A legislator who elects to join the Legislative Pension Plan  
36 during the legislator’s term of office; and

37 (ii) A former legislator who:

1                   1.     Elected to join the Legislative Pension Plan during  
2 the legislator's term of office before January 1, 2011;

3                   2.     Has not withdrawn the member's accumulated  
4 contributions; and

5                   3.     Is not currently receiving a retirement allowance.

6                   (2)    "Member" does not include a legislator who:

7                   (i)     Has no creditable service before January 1, 2011; or

8                   (ii)    Has joined the Optional Retirement Program under Title 30  
9 of the State Personnel and Pensions Article.

10                  (p)    Retiree. "Retiree" means an individual who:

11                  (1)    Is eligible for retirement;

12                  (2)    Has applied to receive a retirement allowance; and

13                  (3)    Prior to retirement has earned creditable service before January 1,  
14 2011.

15                  7. Service retirement allowance – No service prior to January 1, 1971.

16                  (a)    Application of section.

17                  (1)    This section applies only to a member who has no creditable  
18 service before January 1, 1971.

19                  (2)    This section does not apply to a legislator who has no creditable  
20 service before January 1, 2011.

21                  (b)    Eligibility for retirement. Except as provided in subsection (c) of this  
22 section, a member may retire if on or before the date of retirement, the member:

23                  (1)    Is not currently serving in the General Assembly;

24                  (2)    Has at least 8 years of creditable service;

25                  (3)    Has attained age 60; and

26                  (4)    Completes and submits an application for retirement to the Board  
27 of Trustees stating the date on which the member desires to retire.

1 (c) Exception for member who joins the Judges' Retirement System. A  
2 member who resigns from the General Assembly prior to the expiration of the  
3 member's term of office to accept a position requiring membership in the Judges'  
4 Retirement System is entitled to a retirement allowance under this Item 3A regardless  
5 of years of service.

6 (d) Service retirement allowance. In general. Except as provided in  
7 subsection (e) of this section, on retirement, a member shall receive a service  
8 retirement allowance equal to 3% of the salary payable to a current legislator in the  
9 General Assembly multiplied by the number of years of creditable service of the  
10 member, but in no event shall the retirement allowance exceed two-thirds of the  
11 salary payable to a current legislator in the General Assembly.

12 (e) Same – Eligible presiding officer. If the member served as an eligible  
13 presiding officer, the Board of Trustees shall use the salary payable to the current  
14 presiding officer to calculate the member's retirement allowance, but in no event shall  
15 the retirement allowance exceed two-thirds of the salary payable to a current  
16 presiding officer in the General Assembly.

17 (f) Optional Retirement Program.

18 (1) On January 1, 2011, a member shall join the Optional Retirement  
19 Program as provided under Title 30 of the State Personnel and Pensions Article.

20 (2) A member's membership in the Legislative Pension Plan shall  
21 cease when the member joins the Optional Retirement Program.

22 (3) A member who has earned 8 or more years of creditable service at  
23 the time the member joins the Optional Retirement Program shall receive a  
24 retirement allowance in accordance with the provisions of the Legislative Pension Plan  
25 based on the creditable service the member accrued in the Legislative Pension Plan  
26 before electing to participate in the Optional Retirement Program.

27 (4) A member who has earned less than 8 years of creditable service at  
28 the time the member joins to participate in the Optional Retirement Program may:

29 (i) Purchase service credit in the Legislative Pension Plan as  
30 provided in § 6(d) of this Item 3A; or

31 (ii) Request a return of the member contributions plus interest  
32 that the member has made prior joining the Optional Retirement Program.

33 (5) A member who joins the Optional Retirement Program may not  
34 transfer any service credit earned in the Legislative Pension Plan to the Optional  
35 Retirement Program.

36 (6) A member who has earned 22 years and 3 months of creditable  
37 service may not join the Optional Retirement Program.”; and

1           (f)     In accordance with the authority granted under Article III, Section 15 of  
2 the Maryland Constitution, the General Assembly recommends adding Item 3C to the  
3 Resolution of the General Assembly Compensation Commission dated January 5,  
4 2010, and transmitted to the General Assembly on January 12, 2010, to read as  
5 follows:

6     “Item 3C.

7           (a)     This item applies to any legislator who has no creditable service in the  
8 Legislative Pension Plan before January 1, 2011.

9           (b)     A legislator is a member of the Optional Retirement Program under Title  
10 30 of the State Personnel and Pensions Article.”; and

11          (g)     The other items related to compensation and allowances to members of  
12 the General Assembly shall be as provided in the Resolution of the General Assembly  
13 Compensation Commission dated January 5, 2010, and transmitted to the General  
14 Assembly on January 12, 2010; and be it further

15          RESOLVED, That a copy of this Resolution be forwarded by the Department of  
16 Legislative Services to the Honorable Martin O’Malley, Governor of Maryland; the  
17 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the  
18 Honorable Michael E. Busch, Speaker of the House of Delegates.